

## **Minutes for the Special Town Meeting held October 23, 2017**

Pursuant to the provisions of the foregoing warrant, the voters assembled at the Nauset Regional High School Auditorium to vote on the following articles with actions as noted. The Moderator called the meeting to order at 7:05 p.m. with a quorum of 212 voters present. The Moderator read the call of Town Meeting.

Article 1. A motion was made and seconded by the Board of Selectmen to transfer \$250,000 from free cash to the Stabilization Trust Fund.

Passed – unanimous vote declared by Moderator

Article 2. A motion was made and seconded by the Board of Selectmen to accept Mass General Laws Chapter 59 Section 5K to establish a property tax work-off program for residents over 60.

Passed – majority vote declared by Moderator

Article 3. A motion was made and seconded by the Board of Selectmen to transfer \$66,865 from free cash to the Fire Salary account to fund four new positions in the Fire Department for the remainder of FY2018, the cost of the four new positions to be offset in the first two years by a federal grant in the amount of 75% of the total cost of salary and benefits, and in the third year by 35% of the total cost of salary and benefits, under the Staffing for Adequate Fire and Emergency Response (SAFER) grant program, contingent on the passage of a Proposition 2 ½ override vote.

Passed – majority vote declared by Moderator

Article 4. A motion was made and seconded by the Board of Selectmen to amend the Town's Zoning Bylaw by adding a new section XXIII, Temporary Moratorium on Recreational Marijuana Establishments, that would provide as follows, and further to amend the Table of Contents to add Section XXIII, "Temporary Moratorium on Recreational Marijuana Establishments:"

### **A. PURPOSE**

On November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes (new G.L. c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed). The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016 and (as amended on December 30, 2016 by Chapter 351 of the Acts of 2016 and thereafter, on July 28, 2017 by Chapter 55 of the Acts of 2017) requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018 and to begin accepting applications for licenses no later than April 1, 2018. Currently under the Zoning By-laws, a non-medical Marijuana Establishment (hereinafter, a "Recreational Marijuana Establishment"), as defined in G.L. c. 94G, Section 1, is not specifically addressed in the Zoning By-laws. Regulations to be promulgated by the Cannabis Control Commission may provide guidance on certain aspects of local regulation of Recreational Marijuana Establishments. The regulation of recreational marijuana raises novel legal, planning, and public safety issues, and the Town needs time to study and consider the regulation of Recreational Marijuana Establishments and address such issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning By-laws regarding regulation of Recreational Marijuana Establishments. The

Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments so as to allow sufficient time to address the effects of such structures and uses in the Town and to enact By-laws in a consistent manner.

#### B. DEFINITION

“Recreational Marijuana Establishment” shall mean a “marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.”

#### C. TEMPORARY MORATORIUM

For the reasons set forth above and notwithstanding any other provision of the Zoning By-laws to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Recreational Marijuana Establishment and other uses related to recreational marijuana. The moratorium shall be in effect through December 31, 2018. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, and to consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments, and shall consider adopting new Zoning By-laws in response to these new issues.

Passed required 2/3rds majority vote declared by Moderator  
Count: 198 Yes 83 No

Article 5. A motion was made and seconded to raise and appropriate from fiscal year 2019 tax levy the sum of \$200,000 for the purpose of funding the engineering study needed to obtain permits to dredge the Nauset Estuary.

Passed – majority vote declared by Moderator  
Count: 175 Yes 89 No

There were 298 voters present at the close of Town Meeting out of a possible 4236. There being no further action of Town Meeting, the Selectmen moved and seconded a motion to dissolve Town Meeting at 8:30 p.m. The Moderator declared Town Meeting dissolved after a unanimous vote by voters.

A True Copy Attest:



Susanne Fischer  
Town Clerk